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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/025,088      | 12/18/2001  | Roy Want             | 42390P12019         | 4912             |

8791 7590 02/09/2007  
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| EXAMINER |
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SMITH, SHEILA B

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2617

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 02/09/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/025,088

Applicant(s)

WANT ET AL.

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-15 and 17-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-15,17-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. In view of the appeal brief filed on 11/17/06, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

### **DETAILED ACTION**

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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1. Claims 1,3-15,17-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiser et al. (U.S. Patent Number 5,982,520) in view of Tobin (U.S. Publication 2002/0077992).

*Regarding claim 1*, Weiser et al. discloses a Personal storage device for application and data transfer. Weiser et al. additionally discloses a portable device (which is exhibited in 22,23 of figure 1), which includes a wireless communication module (which read on transceiver 46 of figure 2 and disclosed in column 4 lines 54-60) to communicate with each of a plurality of remote devices within a locality (which read on column 4 lines 32-53), a data storage module (which read on column 2 lines 19-40); and a controller (which reads on 40 processor) connected to the wireless communication module and to the data storage module (which reads on column 4 lines 54-65), the control communication of data between the wireless communication module and a first remote device by determining access rights associated with the first remote device (which reads on column 3 lines 37-53). However, Weiser et al. fails to disclose the use of a public storage and a private storage area with which selected remote devices exchange data in a relatively restricted manner.

In the same field of endeavor Tobin discloses a method and system for providing targeted advertising and personalized customer services. Tobin discloses a public storage area with which selected remote devices exchange data in a relatively free manner, and a private storage area with which selected remote devices exchange data in a relatively restricted manner (which reads on paragraph 0007).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Weiser et al. by modifying the personal transaction device with

public storage area with which selected remote devices exchange data in a relatively free manner, and a private storage area with which selected remote devices exchange data in a relatively restricted manner for the purpose of keeping the stored information secured.

**Regarding claim 3**, Weiser et al. in view of Tobin. discloses everything claimed, as applied above additionally, Weiser et al. discloses a controller filters requests from each of the remote devices to exchange data and to selectively reject and accept the requests in response to the nature of services offered by the remote device (which reads on column 2 lines 19-40 and column 4 lines 54-65) .

**Regarding claim 4**, Weiser et al. in view of Tobin. discloses everything claimed, as applied above additionally, Weiser et al. discloses a controller defines access rights to the first and second storage areas and, dependent upon the access rights, allows the remote device to store and retrieve data from at least one of the first and second storage areas (which reads on column 2 lines 19-40 and column 4 lines 54-65).

**Regarding claim 5**, Weiser et al. in view of Tobin. discloses everything claimed, as applied above additionally, Weiser et al. discloses a digital certificate of authenticity is requested from the remote device prior to communicating data between the remote device and the private storage area (which reads on column 2 lines 19-40 and column 4 lines 54-65).

**Regarding claim 6**, Weiser et al. in view of Tobin. discloses everything claimed, as applied above additionally, Weiser et al. discloses a controller restricts how often and the amount

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of data which is writable by the remote device into the public storage area (which reads on column 2 lines 19-40 and column 4 lines 54-65).

***Regarding claims 7,8,9,*** Weiser et al. in view of Tobin. discloses everything claimed, as applied above additionally, Weiser et al. discloses data stored in the public storage area is selectively cleared by the controller in an automated fashion (which reads on column 2 lines 19-40 and column 4 lines 54-65).

***Regarding claims 10, 11,*** Weiser et al. in view of Tobin. discloses everything claimed, as applied above additionally, Weiser et al. discloses a wireless communication module is a radio frequency (RF) transceiver which communicates using a standardized communication protocol (which reads on column 2 lines 19-40 and column 4 lines 54-65).

***Regarding claims 12 ,*** Weiser et al. in view of Tobin. discloses everything claimed, as applied above additionally, Weiser et al. discloses a controller selectively interfaces the portable device to a computer system to permit a user to access and store data in the data storage module (which reads on column 2 lines 19-40 and column 4 lines 54-65).

***Regarding claims 13,*** Weiser et al. in view of Tobin. discloses everything claimed, as applied above additionally, Weiser et al. discloses a remote device is defined by another portable device within the locality (which reads on column 2 lines 19-40 and column 4 lines 54-65).

**Regarding claims 14,** Weiser et al. in view of Tobin. discloses everything claimed, as applied above additionally, Weiser et al. discloses a rechargeable power supply for powering its various components (which reads on column 2 lines 19-40 and column 4 lines 54-65).

**Regarding claim 15, 19, 20,** Weiser et al. discloses a Personal storage device for application and data transfer. Weiser et al. additionally discloses a plurality of portable device (which is exhibited in 22,23 of figure 1), which includes a wireless communication module (which read on transceiver 46 of figure 2 and disclosed in column 4 lines 54-60) to communicate with each of a plurality of remote devices within a locality (which read on column 4 lines 32-53), a data storage module (which read on column 2 lines 19-40); and a controller (which reads on 40 processor) connected to the wireless communication module and to the data storage module (which reads on column 4 lines 54-65), the control communication of data between the wireless communication module and a first remote device by determining access rights associated with the first remote device (which reads on column 3 lines 37-53). However, Weiser et al. fails to disclose the use of a public storage and a private storage area with which selected remote devices exchange data in a relatively restricted manner.

In the same field of endeavor Tobin discloses a method and system for providing targeted advertising and personalized customer services. Tobin discloses a public storage area with which selected remote devices exchange data in a relatively free manner, and a private storage area with which selected remote devices exchange data in a relatively restricted manner (which reads on paragraph 0007).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Weiser et al. by modifying the personal transaction device with public storage area with which selected remote devices exchange data in a relatively free manner, and a private storage area with which selected remote devices exchange data in a relatively restricted manner for the purpose of keeping the stored information secured.

***Regarding claim 17,*** Weiser et al. in view of Tobin. discloses everything claimed, as applied above additionally, Weiser et al. discloses a controller filters requests from each of the remote devices to exchange data and to selectively reject and accept the requests in response to the nature of services offered by the remote device (which reads on column 2 lines 19-40 and column 4 lines 54-65).

***Regarding claim 18,*** Weiser et al. in view of Tobin. discloses everything claimed, as applied above additionally, Weiser et al. discloses a controller defines access rights to the first and second storage areas and, dependent upon the access rights, allows the remote device to store and retrieve data from at least one of the first and second storage areas (which reads on column 2 lines 19-40 and column 4 lines 54-65).

***Regarding claim 21, 22, 24-26, 28-30,*** Weiser et al. discloses a method which includes monitoring, by means of a portable device (which reads on a column 2 lines 41-63), wireless communications from a plurality of remote devices requesting communications with the portable device within a locality (which reads on a column 2 lines 41-63), the portable device including a data storage module with which selected remote devices exchange data in a



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relatively restricted manner (which reads on column 2 lines 41-63); identifying access rights associated with the remote device (which reads on column 5 lines 26-46); and controlling (which reads on a processor) the communication of data between the remote devices and the storage area dependent upon the access rights to the storage area (as disclosed on column 5 lines 26-46). However, Weiser et al. fails to disclose the use of a public storage and a private storage area with which selected remote devices exchange data in a relatively restricted manner.

In the same field of endeavor Tobin discloses a method and system for providing targeted advertising and personalized customer services. Tobin discloses a public storage area with which selected remote devices exchange data in a relatively free manner, and a private storage area with which selected remote devices exchange data in a relatively restricted manner (which reads on paragraph 0007).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Weiser et al. by modifying the personal transaction device with public storage area with which selected remote devices exchange data in a relatively free manner, and a private storage area with which selected remote devices exchange data in a relatively restricted manner for the purpose of keeping the stored information secured.

**Regarding claim 23**, Weiser et al. in view of Tobin. discloses everything claimed, as applied above additionally, Weiser et al. discloses a controller filters requests from each of the remote devices to exchange data and to selectively reject and accept the requests in response to the nature of services offered by the remote device (which reads on column 2 lines 19-40 and column 4 lines 54-65).

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**Regarding claim 27**, Weiser et al. in view of Tobin. discloses everything claimed, as applied above additionally, Weiser et al. discloses a controller restricts how often and the amount of data which is writable by the remote device into the public storage area (which reads on column 2 lines 19-40 and column 4 lines 54-65).

**Regarding claims 31, 32** Weiser et al. in view of Tobin. discloses everything claimed, as applied above additionally, Weiser et al. discloses a wireless communication module is a radio frequency (RF) transceiver which communicates using a standardized communication protocol (which reads on column 2 lines 19-40 and column 4 lines 54-65).

**Regarding claim 33,34,38**, Tobin discloses a computer program product including a medium readable by a computer, the medium carrying instructions which, when executed by the computer causes the computer to monitor, by means of a portable device (which reads on a column 2 lines 41-63), wireless communications from a plurality of remote devices requesting communications with the portable device within a locality (which reads on a column 2 lines 41-63), the portable device including a data storage module a which selected remote devices exchange data in a relatively restricted manner (which reads on paragraph 0007); identifying access rights associated with the remote device (which reads on column 5 lines 26-46); and controlling (which reads on a processor) the communication of data between the remote devices and the storage area dependent upon the access rights to the storage area (as disclosed on column 5 lines 26-46). Weiser et al. fails to disclose the use of a public storage and a private storage area with which selected remote devices exchange data in a relatively restricted manner.

In the same field of endeavor Tobin discloses a method and system for providing targeted advertising and personalized customer services. Tobin discloses a public storage area with

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which selected remote devices exchange data in a relatively free manner, and a private storage area with which selected remote devices exchange data in a relatively restricted manner (which reads on paragraph 0007).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Weiser et al. by modifying the personal transaction device with public storage area with which selected remote devices exchange data in a relatively free manner, and a private storage area with which selected remote devices exchange data in a relatively restricted manner for the purpose of keeping the stored information secured.

***Regarding claim 35,*** Tobin in view of Tobin. discloses everything claimed, as applied above additionally, Tobin discloses a controller filters requests from each of the remote devices to exchange data and to selectively reject and accept the requests in response to the nature of services offered by the remote device (which reads on column 2 lines 19-40 and column 4 lines 54-65).

***Regarding claims 36, 37,39,*** Tobin in view of Tobin. discloses everything claimed, as applied above additionally, Tobin discloses a controller defines access rights to the first and second storage areas and, dependent upon the access rights, allows the remote device to store and retrieve data from at least one of the first and second storage areas (which reads on column 2 lines 19-40 and column 4 lines 54-65).

***Regarding claims 40-42,*** Tobin in view of Tobin. discloses everything claimed, as applied above additionally, Tobin discloses a data stored in the public storage area is selectively

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cleared by the controller in an automated fashion (which reads on column 2 lines 19-40 and column 4 lines 54-65).

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-42 have been considered but are moot in view of the new ground(s) of rejection.


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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. Smith   
February 5, 2007

  
**CHARLES APPIAH**  
PRIMARY EXAMINER